IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 293 OF 2006
IN
WRIT PETITION NO. 1935 OF 2005

Bharatiya Bhavan Co-operative
Housing Society Ltd.. , .. Appellant.

V/s.

Mrs. Krishna H. Bajaj & Others ..Respondents.

Ms.Swapnali Rane i/by Mr.A.C.Sarkate for the Appellant.

Mr.Prasad Das i/by M/s.Goenka Law Associates for for Respondent No.1.

Mr.P.G.Sawant, Assistant Government Pleader for Respondents No.2 to 4.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 25TH AUGUST, 2006.

P.C.:

. This Appeal is directed against the order dated 29th November, 2005, whereby the learned single Judge, while issuing Rule in the writ petition, granted interim relief in terms of prayer (b), i.e. staying execution of the Recovery Certificate dated 10th January, 2005.

2. We find from the said order that the hearing of the petition has been expedited. At this stage, the

counsel for the appellant informs us that the writ petition has been dismissed in default. If that be so, obviously the interim order cannot survive.

3. We observe that if any application has been made by the original petitioner (respondent No.1) for restoration of the writ petition, we request the learned Judge to hear and decide the said application expeditiously, and, if writ petition is restored, we request the learned Judge to hear the writ petition expeditiously as well.

4. With the aforesaid observations, the Appeal is disposed of.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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